

REMARKS

Reconsideration and withdrawal of all grounds of rejection are respectfully requested in view of the above amendments and the following remarks.

Claims 1-18, 26 and 35-46 are at issue in this application. Claims 44-46 have been added.

1. Applicants acknowledge receipt of the Examiner-initialed Form 1449 for the Supplemental Information Disclosure Statement (IDS) Applicants filed on April 1, 2003 (initialed November 19, 2003). However, Applicants have not received the initialed Forms 1449 indicating the Examiner's consideration of the references identified by the IDS filed March 4, 2004, and again request it. In addition, Applicants are resubmitting the IDS filed on December 11, 2001 and the Supplemental IDS filed on February 21, 2002, of which the Patent Office indicated it has no record. It is requested that the Examiner initial the PTO 1449 forms indicating consideration of the December 11, 2001 and February 21, 2002 IDS's and mail them to the undersigned.

During the interview, Applicants' representative proposed filing an RCE to advance the prosecution. Although Applicants are willing to file the RCE if necessary, the RCE may be premature in view of the fact that the Patent Office has not considered the two IDS's noted above. It is respectfully submitted that the references of the two IDS's must be considered in this application, not in an RCE. Applicants pointed out in response to the first Office Action that no indication that the two IDS's were considered had been received by Applicants. Applicants appreciate the assurance in the final Office Action that the references will be promptly considered. Entry of the present amendments after final rejection are respectfully requested so that the prior art of the two IDS's can be considered in this application. This will avoid the inequitable possibility that the prior art of the two IDS's that was timely filed in this application and not considered by the Patent Office will be used to reject claims submitted along with an RCE. It is also respectfully submitted as discussed during the interview that the Patent Office misapplied or misinterpreted the Maeda reference. The amendments also place

the claims in better form for appeal. It is respectfully submitted that the foregoing showing satisfies 37 C.F.R. 1.116. Entry of the present amendment is requested.

2. Examiners Rao and Ton are thanked for courtesies extended during a personal interview conducted on October 25, 2004 with Applicants' undersigned representative and senior scientist of assignee Kent Displays Incorporated, Dr. Asad Khan. Examiner Rao requested that the undersigned explain on the record why the personal interview was appropriate under the patent rules after final rejection. Applicants' representative indicated that the interview was appropriate because the Patent Office appeared to misunderstand Applicants' invention and how it differed from Maeda. The interview was granted by Examiner Rao's supervisor. Potential disposal of the application or expediting the case for appeal was accomplished during the interview. During the interview, Applicants indicated their willingness to advance the prosecution even if it was necessary to submit an RCE. Therefore, for the above reasons it was appropriate to conduct the interview after final rejection.

Applicants appreciate Examiner Rao's acknowledgment during the interview that claim 35 overcomes the rejection over the Maeda reference. Claim 35 has been amended in the manner discussed during the interview. The other independent claims include features that are related to claim 35 although the claim scope varies. The claim amendments to claim 35 and the other claims should not be construed as an admission of the relevance of Maeda. In fact, these amendments were conceded to for the purpose of financial expediency. The term "liquid crystal *display* material" in former claim 1 contemplates a means for driving the display, which was explicitly added. Terms such as "adjacent" were changed to terms such as "located between" to editorially describe the location of the display components. The amendment that addressed the formality of the Office Action, was merely correcting an editorial error "second" to "first." The term "ambidextrous circular polarizer" was clarified by using the term "bi-directional circular polarizer." Use of the term "bi-directional circular polarizer" was approved by Examiners Rao and Ton during the interview (see, among other places, page 2, line 23 and the figures of the specification for support).

As stated during the interview Maeda is directed to a device that includes a much different TN/STN display. No motivation is provided in the references that would lead to an operable display in Maeda that employs a cholesteric display material having bistable focal conic and planar textures that are electrically addressed so as to produce an image along with the other claimed combination of elements including a bi-directional circular polarizer, translector and light source. Even if a prior art reference was cited that discloses a bistable cholesteric display, which it is submitted is not the case, one skilled in the art would consider the differences between the bistable cholesteric display and the TN display of Maeda, and would not compare the bistable cholesteric display to the cholesteric layer of Maeda's polarized light separator, which is not even a display.

During the interview Applicants' undersigned representative and Dr. Khan explained fundamental differences between TN/ STN displays and bistable cholesteric liquid crystal displays. Dr. Khan presented a demonstration display (demo) illustrating the operation of one embodiment of the present invention. Dr. Khan showed how a bistable cholesteric display is very optically different than a typical TN cell. It was explained that the bistable cholesteric LCD of the present invention includes focal conic and reflective planar textures that are stable in the absence of an electric field. Once portions of the LCD are placed in either texture they remain dark (focal conic) or bright (planar) when the field is removed to maintain the displayed image. In contrast, focal conic and planar textures are absent from a TN/STN display. In addition, Dr. Khan also showed that a TN cell does not work with a circular polarizer. The LCD of Maeda (e.g., TN, STN) requires a "polarized light separator" (in the words of Maeda) that linearly polarizes light. This is different than the bi-directional circular polarizer featured in Applicant's claimed invention, which can circularly polarize light that is incident from either side including passing circularly polarized light to the chiral nematic liquid crystal display.

3. It was agreed during the interview that the rejection of claims 35-43 based on informalities under section 112 was overcome by amending the first full paragraph of claim 35 to read "the second side being closer to a viewer of the display device than the first side" as suggested by Examiner Rao (emphasis added).

4. Claims 1-5 were rejected under 35 U.S.C. §103 over Maeda U.S. Patent No. 6,285,422; and claims 7-18 and 26 were rejected under 35 U.S.C. §103 over Maeda and further in view of Aso U.S. Patent 5,965,874. Claims 35-43 also appear to have been rejected under §103 in view of Maeda alone or combined with Aso.

The rejections of claim 35, of claims that depend from claim 35 and of claims 12-18, have been overcome as discussed herein and during the interview. It is also submitted that independent claims 1 and 26, and the claims that depend from them, are also patentably different from Maeda for the same reasons that were discussed herein and during the interview. Independent claims 1 and 26 describe, *inter alia*, the function of the bi-directional circular polarizer: circularly polarizing light incident from either of the opposing sides including passing circularly polarized light to the layer of chiral nematic liquid crystal material. These features are absent from Maeda as discussed during the interview.

5. New Claims 44-46:

Claims 44-46 are similar to claim 35 except that they describe a bi-directional circular polarizer in terms of its functions: circularly polarizing light incident from either of the opposing sides including passing circularly polarized light to the layer of chiral nematic liquid crystal material; and except that they do not use means-plus-function language with regard to electrically addressing the chiral nematic liquid crystal layer.

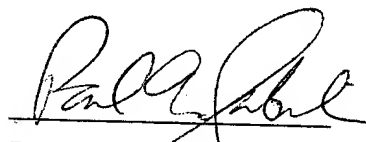
Moreover, claim 45 adds the feature wherein the liquid crystal material reflects light from the display that has an S3 stokes parameter greater than 0.75. It is submitted that claim 45 overcomes Maeda.

Moreover, claim 46 specifies the presence of an outer substrate that has one surface in contact with the liquid crystal layer and another surface that forms an outside of the display device. This is not disclosed by Maeda, which requires the use of a linear polarizer above its LCD.

It is respectfully submitted that the above amendments, taken in conjunction with the foregoing remarks, place all pending claims of this application in condition for allowance. Accordingly, an early Notice of Allowance for this application is respectfully solicited.

Dated: October 28, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Serbinowski", written over a horizontal line.

Paul A. Serbinowski

Reg. No. 34,429



"Express Mail" Mailing Label Certificate

Re: Application of Asad A. Khan
Serial No. 09/961,441
Filed: 09/24/2001
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Attorney Docket: KENT.35601

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